

Ser. No. 10/028,730
Resp. Date June 14, 2005

ARGUMENTS/REMARKS

This paper is submitted responsive to the Official Action mailed January 14, 2005.

Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner objected to the drawings as failing to show the subject matter of claims 35 and 36. The Examiner states that "no chassis structure is shown and it is not even evident that the module is attached to the chassis". Figure 1 shows chassis 10 with module 12 mounted thereon. This is also described in the specification on page 3, the beginning of the last paragraph. Claims 35 and 36 do not claim any more than that which is shown and described, and therefore these claims and the drawings of the application are submitted to be proper. Reconsideration and withdrawal of this objection is respectfully solicited.

The Examiner also rejected claims 35 and 36 under 35 USC 112, first paragraph for failing to comply with the written description requirement. The Examiner asserts that the contents of claims 35 and 36 were not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. The Examiner further asserts that there is no basis in the original specification for the structure as recited in these claims. Reference is made to the specification and drawings as mentioned above, and reconsideration and withdrawal of this

Ser. No. 10/028,730
Resp. Date June 14, 2005

rejection is respectfully requested. Clearly, the claims calling for the module to be mounted to a compressor chassis are supported by the specification which states that the drawings show a compressor chassis 10 and a compressor 12, and the drawings show module 12 on the chassis 10.

The Examiner rejected claims 5 and 25 under 35 USC 112 second paragraph as lacking antecedent basis for certain language therein. These claims, as well as claim 4, have been amended to address this issue and it is submitted that these claims are now in proper form. Entry of these amendments and withdrawal of the rejection under 35 USC 112, second paragraph is respectfully requested.

In the aforesaid action, the Examiner rejected various claims of the application as anticipated by U.S. Patent No. 5,820,352 to Gunn et al., and rejected other claims as obviated by a combination of Gunn et al. with secondary prior art references.

In accordance with the present invention, a system and method are provided whereby specific sensor input is obtained from a compressor during operation, and this input is fed to a protection module which is adapted to detect conditions requiring immediate and/or prognostic actions.

In instances where immediate protection is needed, the compressor can be shut down. In other conditions, prognostic protection is appropriate and operation of the compressor can be continued, perhaps at different operating parameters, while a call for maintenance is issued so that

Ser. No. 10/028,730
Resp. Date June 14, 2005

the problem can be addressed without interruption of the compressor.

In a preferred embodiment, the invention is provided as a module for communicating with an existing compressor to provide the desired protection. Thus, the present invention contemplates modular and after-market applications which are not possible with hard wired or integrated systems such as the teaching of Gunn et al.

Gunn et al. teach a detailed process for controlling discharge pressure. Any similar subject matter to that of the present claims is hard wired or integrated into the system of Gunn et al., with no suggestion of adaptation to the scope of the present claims on this feature.

The independent claims of the present invention are drawn to a system and apparatus wherein the desired protection is incorporated into a module, rather than hard wired into a particular system or the like. This allows for aftermarket installations and is a distinction from the art of record which is not disclosed or suggested by same.

Dependent claims 35 and 36 are drawn to the particular modular aspect of the invention, wherein the module is mounted adjacent to a compressor chassis.

The Examiner has relied upon the teachings of Heath et al. for teaching that the present invention is in the form of a module attached to a compressor chassis as claimed in the present claims. The Examiner suggests that it would have been obvious to take the hard-wired configuration of the Gunn et al primary reference and modify it based upon Heath et al. so as to be a module. A review of Heath et al

Ser. No. 10/028,730
Resp. Date June 14, 2005

reveals that although this document uses the words "chassis" and "module", they are in a completely different context than the present application. The chassis referred to is clearly not a compressor chassis, but rather a housing for the overall electronics of the device. Further, the "modules" referred to are separate components of the overall control device. Therefore, it is respectfully submitted that the combination of Gunn et al with Heath et al. does not arrive at the subject matter of the claims of the present application, all of which are drawn to a compressor protection module, and claims 35 and 36 of which specifically call for the protection module to be mounted to the chassis of the compressor.

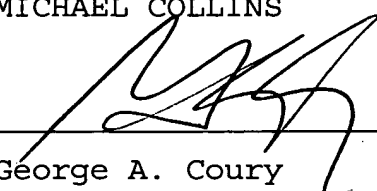
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Ser. No. 10/028,730
Resp. Date June 14, 2005

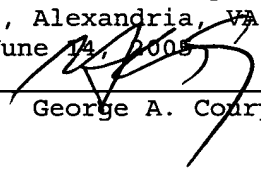
If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
MICHAEL COLLINS

By 
George A. Coury
Attorney for Applicant
Tel: 203-777-6628 ext. 113
Fax: 203-865-0297
email: couryg@bachlap.com

Date: June 14, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 14, 2005


George A. Coury